

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

EDDIE MUNOZ,

*Plaintiff,*

V.

SOUTHERN FOODSERVICE  
MANAGEMENT, INC., and BROOKE  
ARMY MEDICAL CENTER (BAMC),

*Defendants.*

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CIVIL ACTION NO. SA-23-CA-870-FB

**ORDER ACCEPTING REPORT AND RECOMMENDATION**  
**OF UNITED STATES MAGISTRATE JUDGE**

Before the Court is the Report and Recommendation of United States Magistrate Judge (docket no. 38), filed in the above styled and numbered cause on July 24, 2024, concerning two motions to dismiss—one filed by Defendant Southern Foodservice Management, Inc. (docket no. 17) and the other filed by Defendant Brooke Army Medical Center (docket no. 24). To date, no objections to the Report and Recommendation have been received.<sup>1</sup>

Because no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). The Court has reviewed the Report and Recommendation and finds its reasoning to be neither clearly erroneous nor contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989).

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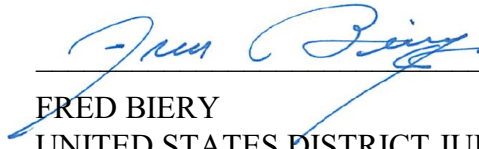
<sup>1</sup> Any party who desires to object to a Magistrate's findings and recommendations must serve and file his, her or its written objections within fourteen days after being served with a copy of the findings and recommendation. 28 U.S.C. § 635(b)(1). If service upon a party is made by mailing a copy to the party's last known address, "service is complete upon mailing." FED. R. CIV. P. 5(b)(2)(C). If service is by electronic means, "service is complete upon transmission." *Id.* at (E).

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge (docket no. 38) is ACCEPTED pursuant to 28 U.S.C. § 636(b)(1) such that Co-Defendant Southern Foodservice Management, Inc.'s Motion to Dismiss (docket no. 17) is GRANTED and Defendant Brooke Army Medical Center's Motion to Dismiss (docket no. 24) is GRANTED in PART and DISMISSED as MOOT in PART.

IT IS FURTHER ORDERED that remaining motions pending with the Court, if any, are Dismissed as Moot and this case is CLOSED.

It is so ORDERED.

SIGNED this 19th day of August, 2024.

  
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FRED BIERY  
UNITED STATES DISTRICT JUDGE